IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

Tr.P(Crl.).No. 77 of 2007()

CC.245/2006 of J.M.F.C.-IV,KOZHIKODE
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PETITIONER: 2ND ACCUSED

MR. VINOD SING CHERIYAN,
ADVOCATE, ERANHIPALAM, CALICUT.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS: COMPLAINANT, 1ST ACCUSED & STATE
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1. P.M.MOHAMMED ALI,
ADVOCATE, "SHALIMAR", WEST NADAKKAVU,
CALICUT.

2. MR. ALEX JOSEPH,
ADVOCATE, LEGAL ESCORT, A 7/3,
ACHARYA NIKETAN, MAYOR VIHAR PHASE I, NEW DELHI.

3. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.AYPE JOSEPH
PUBLIC PROSECUTOR .SRI.M.S.BREEZ

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Tr.Ptn.(Crl.).No.77 of 2007

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Dated this the 2nd day of November, 2007

ORDER

Petitioner is the 2nd accused in a prosecution under Sections 499 and 500 read with 34 IPC initiated by the 1st respondent. 2nd respondent is a co-accused (2nd) along with the petitioner. The petitioner and the 1st respondent are both advocates practising at Kozhikode. The prosecution is now pending before the Judicial First Class Magistrate Court-IV, Kozhikode. The petitioner has now come before this Court with a prayer that the case may be transferred, inasmuch as, both-the petitioner and the 1st respondent are counsel practising at Kozhikode. The 2nd respondent raises no objection against the proposed transfer. The 1st respondent opposes the prayer.

2. Having heard the counsel for the petitioner and the 1st respondent, I am satisfied that in the interests of justice, direction for transfer can be issued to avoid embarrassment to the petitioner as well as the 1st respondent as also the court concerned, both the petitioner and the 1st respondent being counsel of standing at Calicut. The counsel are in agreement

that resume of trial, if it must be shifted, may be shifted to Kochi .

3. In the result this petition is allowed. C.C.No. 45/2006 pending before the Judicial First Class Magistrate Court–IV Kozhikode shall stand transferred to the Chief Judicial Magistrate, Ernakulam. The learned Judicial First Class Magistrate, Kozhikode shall forward all records to and all parties shall appear before the learned Chief Judicial Magistrate, Ernakulam on 3.12.07, without waiting for any further directions, subject of course to order of exemption, if any, granted already.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE